



Sen. Susan Garrett

Filed: 2/27/2012

09700SB3297sam001

LRB097 20009 PJG 66567 a

1 AMENDMENT TO SENATE BILL 3297

2 AMENDMENT NO. _____. Amend Senate Bill 3297 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 50-13 and by adding Section 40-60 as follows:

6 (30 ILCS 500/40-60 new)

7 Sec. 40-60. Written disclosure.

8 (a) All State contracts for the lease or purchase of real
9 property occupied by a State agency shall contain a full
10 written disclosure of the identity of every owner of, or
11 beneficiary having an interest in, the property being leased or
12 purchased. The disclosure shall be subscribed and sworn or
13 otherwise affirmed on oath by the owner, authorized trustee,
14 corporate official, partner, managing agent, or other
15 authorized person. The disclosure shall set forth the
16 following:

1 (1) all ownership interests in the property,
2 including, as appropriate, the names of the beneficiaries
3 and the trustee of a land trust, the names of all partners
4 whether general or limited in nature, the names of all
5 members or managers of a limited liability company, the
6 names of all shareholders in a corporation, and the names
7 of any other person with an ownership or beneficial
8 interest in the property; however, if the entity is a
9 publicly traded entity subject to Federal 10K reporting, it
10 may submit its 10K disclosure in place of this prescribed
11 disclosure; and

12 (2) the identity of any State officer, employee, or
13 elected official, or the wife, husband, or minor child of
14 that person, having an ownership or beneficial interest in
15 the property, as well as a specific designation of the
16 percentage of total distributable income the person, or the
17 wife, husband, or minor child of that person, is entitled
18 to receive from any firm, partnership, association, or
19 corporation that is the lessor or the seller of the real
20 property.

21 (b) The lessor or seller of the real property shall notify
22 the chief procurement officer, or his or her designee, or the
23 State procurement officer, or his or her designee, of any
24 changes in ownership or beneficial interest in the property and
25 shall submit updated disclosure statements in accordance with
26 the disclosure requirements of subsection (a) within 30 days

1 after the change.

2 (30 ILCS 500/50-13)

3 Sec. 50-13. Conflicts of interest.

4 (a) Prohibition. It is unlawful for any person holding an
5 elective office in this State, holding a seat in the General
6 Assembly, or appointed to or employed in any of the offices or
7 agencies of State government and who receives compensation for
8 such employment in excess of 60% of the salary of the Governor
9 of the State of Illinois, or who is an officer or employee of
10 the Capital Development Board or the Illinois Toll Highway
11 Authority, or who is the spouse or minor child of any such
12 person to have or acquire any contract or subcontract, or any
13 direct pecuniary interest in any contract or subcontract
14 therein, whether for stationery, printing, paper, or any
15 services, materials, or supplies, that will be wholly or
16 partially satisfied by the payment of funds appropriated by the
17 General Assembly of the State of Illinois or in any contract or
18 subcontract of the Capital Development Board or the Illinois
19 Toll Highway Authority.

20 (b) Interests. It is unlawful for any firm, partnership,
21 association, or corporation, in which any person listed in
22 subsection (a) is entitled to receive (i) more than 7 1/2% of
23 the total distributable income or (ii) an amount in excess of
24 the salary of the Governor, to have or acquire any such
25 contract or subcontract or direct pecuniary interest therein.

1 (c) Combined interests. It is unlawful for any firm,
2 partnership, association, or corporation, in which any person
3 listed in subsection (a) together with his or her spouse or
4 minor children is entitled to receive (i) more than 15%, in the
5 aggregate, of the total distributable income or (ii) an amount
6 in excess of 2 times the salary of the Governor, to have or
7 acquire any such contract or subcontract or direct pecuniary
8 interest therein.

9 (c-5) Appointees and firms. In addition to any provisions
10 of this Code, the interests of certain appointees and their
11 firms are subject to Section 3A-35 of the Illinois Governmental
12 Ethics Act.

13 (d) Securities. Nothing in this Section invalidates the
14 provisions of any bond or other security previously offered or
15 to be offered for sale or sold by or for the State of Illinois.

16 (e) Prior interests. This Section does not affect the
17 validity of any contract made between the State and an officer
18 or employee of the State or member of the General Assembly, his
19 or her spouse, minor child, or other immediate family member
20 living in his or her residence or any combination of those
21 persons or any subcontract made under this Code by one or any
22 combination of those persons if that contract or subcontract
23 was in existence before his or her election or employment as an
24 officer, member, or employee. The contract or subcontract is
25 voidable, however, if it cannot be completed within 365 days
26 after the officer, member, or employee takes office or is

1 employed.

2 (f) Exceptions.

3 (1) Public aid payments. This Section does not apply to
4 payments made for a public aid recipient.

5 (2) Teaching. This Section does not apply to a contract
6 for personal services as a teacher or school administrator
7 between a member of the General Assembly or his or her
8 spouse, or a State officer or employee or his or her
9 spouse, and any school district, public community college
10 district, the University of Illinois, Southern Illinois
11 University, Illinois State University, Eastern Illinois
12 University, Northern Illinois University, Western Illinois
13 University, Chicago State University, Governor State
14 University, or Northeastern Illinois University.

15 (3) Ministerial duties. This Section does not apply to
16 a contract for personal services of a wholly ministerial
17 character, including but not limited to services as a
18 laborer, clerk, typist, stenographer, page, bookkeeper,
19 receptionist, or telephone switchboard operator, made by a
20 spouse or minor child of an elective or appointive State
21 officer or employee or of a member of the General Assembly.

22 (4) Child and family services. This Section does not
23 apply to payments made to a member of the General Assembly,
24 a State officer or employee, his or her spouse or minor
25 child acting as a foster parent, homemaker, advocate, or
26 volunteer for or in behalf of a child or family served by

1 the Department of Children and Family Services.

2 (5) Licensed professionals. Contracts with licensed
3 professionals, provided they are competitively bid or part
4 of a reimbursement program for specific, customary goods
5 and services through the Department of Children and Family
6 Services, the Department of Human Services, the Department
7 of Healthcare and Family Services, the Department of Public
8 Health, or the Department on Aging.

9 (g) Penalty. A person convicted of a violation of this
10 Section is guilty of a business offense and shall be fined not
11 less than \$1,000 nor more than \$5,000.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2013."